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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,405	05/24/2001	Khanh Phi Van Doan	169.2061	9187
5514	7590	03/24/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			WANG, JIN CHENG	
			ART UNIT	PAPER NUMBER
			2672	11
DATE MAILED: 03/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/863,405

Applicant(s)

VAN DOAN ET AL.

Examiner

Jin-Cheng Wang

Art Unit

2672

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-37,40,42-52,54,56,57,59-74,76,78-82, 85,87-89, 91, 93-94, 96-110, and 113-116.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: Applicant argues in essence with respect to the Claim 33 on page 39 that nothing has been found in Politis '797 that would teach or even suggest using region representation that can distinctly identify sub-regions that are opaque, transparent or partially transparent.

This is not found persuasive, as set forth in the Remarks Section of Final Rejection, because Politis teaches using region representation that can distinctly identify sub-regions such as the totally obscured region or opaque sub-image 42 of Figure 6, transparent region such as the foreground region 39 of Figure 6 and partially transparent region such as partially obscured region or the bounding box of text 43 of Figure 6 represented by the node. Politis teaches determining if the region represented by the node is obscured either totally or partially by one of the regions, see column 7, lines 20-64; column 9, lines 1-11.

To precisely address the claim language rather than the applicant's arguments toward the related claim limitation, Politis teaches the claim limitation of determining an opacity region representation for at least one node of the expression tree (for example, e.g., node 50 of Figures 6-8 wherein the image region representations in hierarchical data structures are given as quadtrees), the opacity region representation being assigned one or more of three predetermined values, each predetermined value distinctly identifying whether a corresponding sub-region is an opaque region, a transparent region or partially transparent region (the compositing operations for combining two portions of a single image involves the simultaneously identifying one of the predetermined values, each predetermined values identifying whether a corresponding sub-region being an opaque region such as the totally obscured region or opaque sub-image 42 of figure 6, a transparent region such as the foreground region 39 of figure 6, or a partially transparent region such as the partially obscured region or the bounding box of text 43 of figure 6. Politis further teaches determining if the region represented by the node is obscured either totally or partially by one of the regions, see column 7, lines 20-64; column 9, lines 1-11.

Applicant further argues with respect to the Claim 33 on page 40 that nothing has been found in Politis '797 that would teach or suggest determining an opacity region representation for a node of the expression tree and then determining an obscuration region representation for the node of the expression tree and then determining an obscuration region representation for the node of the expression tree based on an analysis of the opacity region representation associated with the node of the expression.

In response, the Examiner asserts that Politis further teaches the claim limitation of optimizing the expression tree by determining an obscuration region representation for at least the node of the expression tree (e.g., determining an obscuration region representation for the node 50 of Figures 6-8) based on an analysis of the opacity region representation associated with the node of the expression tree (either the opaque sub-image 42 of Figure 6 or the bounding box of text 43 of Figure 6 associated with the node 50 of Figure 6; because the resolution of the region is represented by the quadtree), the obscuration region representation being assigned one or more of a plurality of further predetermined values, each further predetermined value distinctly identifying whether a corresponding sub-region is visible in the image. Politis teaches the obscuration region representation that indicates at least one visible region such as unobscured region of the circle B of Figure 6. If a node is partly obscured by one or more regions represented by other nodes in the expression, a clipping operator is applied to the node in such a way that, when executing a compositing operator, substantially unobscured or visible regions of the image represented at the node are in the resultant composite of the region of the node. When an image is composited and subsequently rendered from an expression tree comprising nodes clipped by a clipping operator, substantially those portions of the graphical elements that are unobscured or visible by other graphical element of the image are reproduced or rendered. See column 7, lines 20-64


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